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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/085,509	02/27/2002	Satoshi Yamada	5000-5001	4140

7590 10/23/2003  
MORGAN & FINNEGAN, L.L.P.  
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EXAMINER

YEAGLEY, DANIEL S

ART UNIT PAPER NUMBER

3611

DATE MAILED: 10/23/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/085,509	YAMADA ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Daniel Yeagley	3611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 02 September 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All   b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2,4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

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### **DETAILED ACTION**

1. The IDS and Priority Papers filed 2/27/02, the IDS filed 3/13/03 and the Amendment filed 9/2/03 have been acknowledged.

### ***Election/Restrictions***

2. Applicant's election without traverse of species I in Paper No. 7 is acknowledged.

### ***Specification***

3. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

4. The disclosure is objected to because of the following informalities: the referencing of claim numerals within the specification as now recited by applicants' amendment A; pertaining to pages 31-33 is improper because the claim numbers may change through out the course of prosecution.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

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6. Claims 7 – 18 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Regarding claims 7, 11 and claims 10 and 14, the limitations of the “parking assisting information which includes a brake operation” and the limitation of the “first position selected by learning based on past data” were not found in the disclosure or the drawings pertaining to the elected species I based on “the first aspect of the invention” as best understood. Applicant stated that claim 1 is generic and that all the claims 1 through 18 are readable on the elected species I with regards to “the first aspect of the invention”; as read from the specification as originally filed and as best understood appears to be drawn to figures 1 – 5 and 14, as read from pages 2, 6 and 10 – 16 which failed to disclose a braking operation or a learning means as claimed and therefore is unclear what applicant regards as brake operation guiding sound and learning means based on species I.

Regarding claims 8 and 12, the claim limitation of a “*first position is selected based on an angular speed of the vehicle in a predetermined position before the vehicle reaches the first position*” is unclear because it is uncertain how the first position can be selected based on a predetermined position before the vehicle reaches a position that has not yet been selected; as understood.

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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8. Claims 6 –8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 6, line 5, the phrase “and at least **one** of which changes based on a vehicle position” the term “one” lacks antecedent basis and is unclear because it is uncertain what applicant is referring to in the claim.

***Claim Rejections - 35 USC § 102***

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10. Claims 1-6, 15 and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Shimazaki et al ‘744.

Shimazaki discloses a parking assisting device comprising means for detecting a turning position of a vehicle based on a reference wherein as read selects a position based on interrelation between a turning position of the vehicle and an angular speed in a predetermined turning position and notifies the driver concerning a target position based on the detected position of the vehicle by information means comprising plural kinds of information with forms different from each other provided in one of three states (column 2-25; fourth embodiment in particular) which consists of different sounds, light or vibration as understood (column 22-23, line 61-4), wherein as read selects a position based on interrelation between a turning position of the vehicle and an angular speed in a predetermined turning position as understood .

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***Claim Rejections - 35 USC § 103***

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

13. Claims 7 – 14, 16 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shimazaki et al '744 in view of Shyu et al '930.

Shimazaki disclosed a parking assisting device having detecting means for detecting a turning position of a vehicle based on a reference point and a notifying means for notifying the driver of parking assisting information concerning a target guiding position based on a detected position of the vehicle, which includes various forms of informational means with different forms of information provided in one of three states to inform the driver of a position of the vehicle which as read includes a position that is selected based on learning as best understood but failed to disclose a braking operation guiding sound.

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Shyu discloses a parking assisting device having detecting means for detecting a turning position of a vehicle and a means for notifying the driver concerning a target position which includes operational means designed for a driver to drive the car in accordance with instructions from a controller which has control devices such as a brake operation that is provided in a stop (first) position.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated an operational means which includes a brake informational means such as suggested by Shyu into the parking assist device of Shimazaki as an additional informational control instruction to assist the driver in parking the vehicle by stopping the vehicle at the appropriate time and position utilizing a braking instruction for enhanced control of the vehicle.

### ***Conclusion***

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Shimizu et al '442, Tanaka et al '481, Kimura et al 'JP'145, Kuzutani et al JP'470, Rankin (IDS) '999 and Higa et al '(IDS) '548 disclose a parking assist device.


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15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel Yeagley whose telephone number is 703-305-0838. The examiner can normally be reached on Mon. - Fri; first Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley D Morris can be reached on 703-308-0629. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

15. D.Y.

  
**LESLEY D. MORRIS**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 3600**